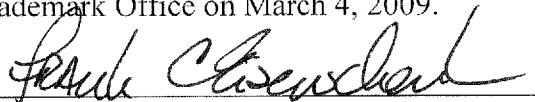


I hereby certify that this correspondence is being electronically filed in the United States Patent and Trademark Office on March 4, 2009.

ELECTION UNDER 35 U.S.C. § 121
Patent Application
Docket No. UTR.106XC1


Frank C. Eisenschenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Alton Nathaniel Pryor
Art Unit : 1616
Applicants : Kimberly D. Gwinn, Susan Hamilton, James F. Green
Serial No. : 10/541,048
Filed : April 4, 2006
Conf. No. : 6089
For : Use of Herbs as a Delivery System for Bioactive Phytochemicals

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121
AND SUPPLEMENTAL PRELIMINARY AMENDMENT

Sir:

Applicants request that the period for response be extended five months through and including March 5, 2009, the fees for which have been paid at the time this Election was filed.

In response to the written Restriction Requirement dated September 5, 2008 in the above-identified patent application, Applicants hereby elect, for purposes of examination in the subject application, the species of *Monarda* spp. Applicants further submit that pending claims 22-29 and 43-60 are readable upon the elected invention. This election is made without traverse.

Prior to examination, Applicants respectfully request that the subject application be amended as follows: